THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23073 OF 2005

DATED:26.10.2005

Between:

S. Govindaraju and others

…Petitioners

And

The District Collector, Krishna at Machilipatnam

And another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23073 OF 2005

ORDER:

The second respondent herein initially allegedly granted patta to one Kosuru Ramakrishna and Mannedu Nageswara Rao in S.No.188/2 of Surampalli Village. The petitioners alleged that the assignment was on payment of market value. Those persons and another allegedly gave a gift to one M.Gopalakrishna, who in turn through his General Power of Attorney sold the property to petitioners 1 and 2 herein. Petitioners 1 and 2 appear to have sold the land to other petitioners. The second respondent initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act) and issued show cause notice. Assailing the same, petitioners herein filed W.P.No.12727 of 2005 before this Court. This Court by order dt.16.6.2005 dismissed the Writ Petition giving liberty to

the petitioners to submit explanation to the show cause notice. By that date, second respondent passed orders for resumption of the land. Be that as it is, after dismissal of the Writ Petition, the petitioners submitted explanation on 30.6.2005. After considering the same, second respondent again passed orders on 7.10.2005 directing the Additional Revenue Inspector to resume the land. Second respondent also held that the petitioners 1 and 2 herein purchased the assigned land in S.No.188/2 admeasuring Acs.3.92 in violation of the provisions of Section 3(2) of the Act. In this Writ Petition the petitioners assail the proceedings of the Mandal Revenue Officer dt.16.6.2005 as well as 7.10.2005.

Learned counsel for the petitioners, Sri D. Gopala Rao, submits that the assignment made in favour of Kosuru Ramakrishna, Mannedu Nageswara Rao and Mohamatapu Rattaiah did not contain the condition of inalienability, that all of them paid market value at the rate of Rs.500/- per acre and therefore the provisions of the Act have no application. Secondly he would urge that though the petitioners submitted explanation, the same was not considered and the second respondent passed orders without application of mind. The learned counsel placed reliance on the decision of this Court in **Nimmagadda Rama Devi v. The District Collector, Krishna.**

Learned Assistant Government Pleader while making reference to Section 4-A of the Act opposed the Writ Petition on the ground that the petitioners have effective alternative remedy.

This Court finds force in the submission of the learned Assistant Government Pleader for Revenue (General). It is well settled that when there is effective efficacious alternative remedy available to the aggrieved person, this Court in its discretion may decline to exercise jurisdiction at the initial stage. In the facts and circumstances of the case, especially when large number of petitioners are there and verification of their right and title to the property is required, this Court is not inclined to entertain the Writ Petition at this stage.

Therefore, the Writ Petition is disposed of giving liberty to petitioners to file appeal before the appellate authority within a period of ten days from today. As and when such appeal is filed, the appellate authority may entertain the appeal and pass appropriate orders by giving reasoned order. It shall also be open to the petitioners to obtain appropriate interim orders from the appellate authority and so as to enable the petitioners to do so, there shall be status quo as to possession as on today for a period of two weeks.

The Writ Petition with the above observations and directions is accordingly disposed of.

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(V.V.S.RAO, J)

26.10.2005

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Note:Dispatcy Copy today.

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